

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 KELVIN L SPANN,

8 Plaintiff,

9 v.

10 BRYANT WILLIAMS SR., *et al.*,

11 Defendants.
12 _____

Case No. 2:17-cv-02018-JAD-GWF

ORDER

13
14 I. DISCUSSION

15 In its March 1, 2018 Screening Order, the Court ordered Plaintiff to file his amended
16 complaint within 30 days of the date of that order. (ECF No. 4 at 7). The amended complaint
17 therefore is due on April 2, 2018. The Court also advised Plaintiff that, if he did not file the
18 amended complaint by that deadline, the action would be dismissed with prejudice. (*Id.*)
19 Plaintiff has filed a motion for an extension of time of 90 days to file his amended complaint
20 and states that he needs that time to discover the identity of a Doe Defendant because he is
21 having difficulty obtaining the documentation necessary to do that. (ECF No. 7 at 1-2). The
22 Court recognizes that, although a Plaintiff should include the identities of defendants in the
23 complaint to the extent possible, there are times when the identity of a defendant cannot be
24 known prior to the filing of a complaint. Plaintiff is advised that, if his amended complaint
25 states a colorable claim against a Doe Defendant, Plaintiff then will be given the opportunity
26 at that time to engage in discovery to learn the Doe Defendant's identity. The Court grants
27 Plaintiff an extension of time until May 2, 2018 to file his amended complaint. If Plaintiff fails
28 to file his amended complaint on or before May 2, 2018, the action will be dismissed with
prejudice for failure to state a claim.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the motion for extension of time (ECF
3 No. 7) is granted in part. Plaintiff shall file his amended complaint on or before May 2, 2018.

4 IT IS FURTHER ORDERED that, if Plaintiff does not file an amended complaint by May
5 2, 2018, this case shall be dismissed with prejudice for failure to state a claim.

6
7 DATED: This 2nd day of April, 2018.

8
9 
10 United States Magistrate Judge